THE RECENT HISTORY OF IMMIGRATION AND IMMIGRATION RESTRICTION

In order to understand the present situation with reference to immigration restriction, we must go back to the enactment of the last federal act upon the subject, namely, the act of February 20, 1907. This raised the headtax from $2 to $4; added to the excluded classes imbeciles, feeble-minded persons, unaccompanied children under sixteen years of age, and persons certified by the surgeons as being mentally or physically defective, such defect being of a nature to affect ability to earn a living; required steamship companies to furnish lists of outgoing passengers; and created a division of information in the Bureau of Immigration. The act, in the form in which it passed the Senate, in May, 1906, contained an illiteracy test similar to that in various bills since 1891. In the House, although a canvass showed a considerable majority in favor of the test, the opposition, with the powerful assistance of Speaker Cannon, succeeded in substituting for the section containing the test a provision creating an immigration commission. The bill remained in conference from June, 1906, to February, 1907, when it was finally enacted as amended in the House.

It is interesting to note in passing that the action of Speaker Cannon in opposing the wishes of the majority, even by going so far as to leave the speaker's chair to influence members while the vote was being taken, was the original cause of Republican insurgency, and led to the revision of the rules, the adoption of "Calendar Wednesday," and many other changes. It is also interesting to observe that, although the provision for a commission to investigate immigration was nothing but the old device for delay, based on the claim that more information was necessary for intelligent action, the report of the commission, when finally made in 1910, called for the identical action dropped from the act of 1907. An investigation at this time was clearly unnecessary. The Industrial Commission had already gone very fully into the subject in its report of 1891; and at every session of Congress since

1894 numerous hearings had been given by the immigration committees of the House and Senate, at which expert witnesses had given testimony covering the subject from every standpoint. Nevertheless, the Immigration Commission was appointed. It consisted of three senators, Messrs. Dillingham, Lodge, and Latimer, the last being succeeded at his death in 1908 by Mr. McLaurin; three representatives, Messrs. Howell, Bennet, and Burnett; and three laymen, Charles P. Neill, commissioner of labor, Professor Jeremiah W. Jenks of Cornell, and Mr. William R. Wheeler of California, assistant secretary of commerce and labor. The commission visited various parts of Europe personally, besides employing a large staff of investigators both here and abroad.

While it was conducting its investigation, the public demand for restriction continued. The controversy over the Japanese immigration to the Pacific slope was terminated for the time being, in February, 1908, by an informal agreement by Japan that she would herself stop the emigration of her laborers to the United States; but in the eastern part of the United States the great increase in the total immigration was bound to arouse opposition. The legislature of Virginia passed a resolution for stringent restriction, reciting that no southeastern Europeans were desired in that state. South Carolina abolished her board for promoting immigration, and instructed her officials not to seek immigrants. North Carolina took similar action in the following year. The stimulus to immigration through the contemporaneous rate-war between the steamship lines no doubt added to the tension. The various churches also began to take alarm at the conditions in the immigrant settlements, and the North American Civic League for immigrants was founded to assist in the protection of arriving aliens, and to promote an interest in citizenship. In 1908, Canada found it necessary to remind Japan that the agreed limit of 400 immigrants per year had been reached. She also began to stiffen up her restriction against the United States, finding that many who would have been rejected at Canadian ports entered at American ports, and subsequently came across the border. In furtherance of this object, Canadian inspectors were placed in various American ports to examine immigrants bound for Canada, in a manner similar to that

in which American inspectors had for some years been stationed at Canadian ports. In 1909, she adopted the rule that aliens must either have a contract for employment or have from $25 to $50, in order to be allowed to enter.

The action of Canada clearly indicated that our inspection was not what it should be. President Roosevelt, who in private conversation and in his messages to Congress had proclaimed himself a strong restrictionist, had appointed as secretary of commerce and labor, and therefore as the head of the immigration service, Oscar S. Straus. Mr. Straus, otherwise an admirable appointee, was a bitter opponent of immigration restriction; and, as his attitude affected the whole service, a tendency toward very liberal decisions in admitting aliens appeared. Moreover, in 1908, the secretary admitted 1,413 persons, with or without bonds, who the boards of special inquiry had thought were not fit to land. In practice, the bonds when required were too small to be of any service.[1] The New York lunacy and charity officials, impressed with the large numbers of aliens becoming charges within a short time after landing, protested against the then-existing laxity of inspection. The commissioner of immigration at New York was under investigation at this time on various complaints, and subsequently resigned. In May, 1909, William Williams, who had formerly occupied the position, was appointed commissioner at New York and inaugurated a vigorous reform of Ellis Island methods.

Meanwhile, Mexico had established new immigration regulations, so that theoretically both Canadian and Mexican inspection were similar to our own, and there was ground for hope that the ancient and troublesome smuggling of undesirable aliens from contiguous territory would at last cease. As we have seen, the Canadian law was at this time in some respects more stringent than ours; but the unsettled conditions in Mexico interfered, as they still do, with adequate protection on that frontier.

The panic of 1907 unsettled business, and as a result many men were out of employment. Nevertheless, those in favor of free immigration talked a great deal, as they always do, about the

[1] The whole bonding business ought to be abolished; for the writer has never heard of a bond being sued on.

demand for farm laborers in the West and South. They do not mention that such a demand, when it exists, is only seasonal, and that the rate of wages is less than in the industrial centers. A favorite device employed at this time was to get up an "immigration" or "industrial" convention in some southern state, and to pass resolutions in the name of that state in favor of largely increased immigration. In most cases the delegates to these conventions were railroad or land agents, who traveled on passes. In one case, out of fifty-one delegates, all but three were of this class and the president of the convention was a railroad man from an entirely different state. The frequent statements about the demand for labor led the Bowery Mission of New York to make an investigation in the spring of 1909. It found that everywhere many were out of employment, and that the alleged jobs waiting for laborers were largely mythical.

We have seen that the act of 1907 created a division of information in the Immigration Bureau. Its object was to supply information to arriving immigrants about the advantages and opportunities in various parts of the country, and to distribute aliens to places where they were wanted. This provision was one of the many cases where well-meaning philanthropists played into the hands of the steamships, railways, and land development promoters. It is obvious that if any considerable number of immigrants can be induced to leave the seaboard states, the objections made by those states to immigration will diminish; or, at any rate, more immigrants can be brought in without increasing such objections. Having been established, the division sent out a million or more circular letters of inquiry as to the opportunities for employment, and succeeded in placing a few thousand aliens in situations. It was clear in 1909 that it was not accomplishing much and was spending a great deal of money. So far as its efforts were futile, it could not be accused of stimulating immigration by running a free employment bureau, whose existence would soon be known in Europe. The labor interests and the restrictionists, however, felt that it would try to enlarge its operations; and that the effect of making any vacuum in the seaboard cities would be to attract even more immigrants than before; and, further, that until immigrants were more

carefully selected, it was a mistake to distribute them at all. In a violent debate in the Central Labor Union of New York City, in May, 1909, the work of the division was sharply criticized, and its abolition demanded as it has been since by conventions of various labor bodies, farmers' unions, and the like. The commissioner general of immigration, Daniel J. Keefe, who was a restrictionist, was in sympathy with the proposal to cut down the activity of the division but was overruled by the secretary of commerce and labor. At the same time, the legislatures of Pennsylvania and Ohio passed strong resolutions for restriction. To complete this branch of the subject, it may be mentioned that the National Liberal Immigration League, which is the chief opponent of restriction, and which was originally financed by the steamships in part, and has several immigrants active in its management, desires to have the work of the division of information much extended, to have inland immigrant stations established, and to have the federal government pay the fares of aliens from the coast to their inland destination.

Mr. Straus would have been willing to continue his post in President Taft's cabinet, but the latter finally selected Charles Nagel of St. Louis as head of the department of commerce and labor. The new secretary at first expressed himself as in sympathy with a strict enforcement of the law; but not long after taking office, he began to change his position; and, as he admitted before the House Committee on Rules, to let in imbeciles and other undesirables on alleged humanitarian grounds, which under the law he had no authority to do. A concrete example is the case of a boy, Pace Chosen, who was certified as an imbecile by the examining surgeon, was found to be such by three medical boards, and was admitted to be such by his family. The secretary had no discretion under the law to admit such cases; but he did admit a number, some of which became public charges either at once or as soon as the possible deportation period expired.

During this administration, also, two rulings were made which tended greatly to weaken the inspection. One of these is known as "Decision No. 120." In this case a girl became a public insane charge. The doctors both of the institution and of

the Public Health Service agreed that her insanity was due to "constitutional psychopathic tendencies and mental instability," and that these causes must have existed prior to her landing; and that a certain assault made after landing, which she claimed as the cause of her condition, could not possibly have been such. The secretary ruled that it had not been shown that the causes named by the surgeons were the sole causes of her insanity, and that department officials,though possessing no medical knowledge, could revise the opinion of medical experts. As aliens can be deported only for a condition arising from causes prior to landing, except in cases of immorality, this decision took away the chance for deporting a considerable number of public charges. Once more the public authorities of New York and other states were aroused, and protests poured in to the department, to the President, and to Congress. The American Breeders' Association, at its 1912 meeting, demanded that the decision be reversed. It still stands, although it is both nonsense and bad law; but it is likely to be overruled in course of time.

The other decision was to the effect that minor children of a naturalized alien, born abroad, are not subject to the immigration law. The naturalization act says that the naturalization of the parent shall operate in favor of his child from the time the latter "begins to reside in" the United States. In all other cases, the courts have held that a landing, as at Ellis Island, for purposes of inspection, is not technically a landing at all. The ruling of the department was made in the face of a decision of the Supreme Court of the United States and two decisions of the Circuit Courts of Appeal to the effect that the naturalization act was not intended to supersede the immigration laws. Such a decision made it possible for a naturalized alien to bring in half a dozen diseased or insane children, put them in public institutions to be cared for at the public expense, and then if he chose, return to Europe. The first ruling of the present Department of Labor, in the spring of 1913, reversed this decision.

It was understood that no general legislation on immigration would be enacted until after the report of the Immigration Commission. On one subject, however, there was legislative action.

In exchange for the omission of the reading test from the act of 1907, not only was the provision for the commission inserted, but in § 42, the passenger act of 1882 was amended with reference to steerage accommodations by substituting for 100 cubic feet of unobstructed space per passenger on the main deck and the next deck, and 120 cubic feet on the second deck below the main deck, a requirement of 18 square feet on the main deck and the next deck, and 20 square feet on the second deck below the main deck. Under the provisions of the act of 1907, § 42 was not to go into effect for two years; and meanwhile the steamship companies began an agitation for the repeal of § 42 and a change in the British regulations governing the matter. They even succeeded in getting the United States commissioner of navigation, who had drawn § 42, to argue before the immigration committees that it was impracticable. The British regulations defined the deck next below the waterline as the lowest passenger deck, and required 18 square feet per passenger on that deck, and 15 square feet on the others. Finally, the act of December 19, 1908, made our requirements correspond to the British, except that the act required 18 square feet actual sleeping-space on the lowest passenger deck, and 15 square feet on the others, instead of the British requirements of 15 and 12 square feet respectively.

Two other pieces of legislation were enacted during this period. The act of March 4, 1909, stipulated that, until the provisions of the act of February 20, 1907, requiring manifests of outgoing alien passengers, should be extended to passengers from this country to Canada by land, they should not apply to passengers on vessels employed exclusively in trade between the United States and Canada and Mexico. The act of March 26, 1910, removed the limitation period of three years for the deportation of sexually immoral persons, added to the excluded classes those receiving the proceeds of prostitution, and generally stiffened the provisions on this subject. A bill to allow contract labor in Hawaii for the benefit of Hawaiian sugar planters was defeated in 1908; and in 1909 the Supreme Court of the United States sustained the constitutionality of the fines on steamships for bringing in certain classes of diseased aliens.

Now let us return to the Immigration Commission, which had been at work all this time. The friends of restriction felt that legislation was likely to be indefinitely delayed unless the commission were forced to report. Accordingly in 1909, it was ordered by Congress to report its acts and expenses, and an effort was made to have its appropriation cut off after December 1 of that year. The plea that it could not digest and publish its material in the time given finally prevailed, and the commission issued its report in 1911 in forty-one octavo volumes. This report, as above stated, recommended the very illiteracy test which had been struck out of the act providing for the commission. It found that further restriction was "demanded by economic, moral, and social considerations," and eight out of nine members said "we favor the reading and writing test as the most feasible single method of restricting undesirable immigration." A bill was prepared under the direction of the chairman of the commission, Senator Dillingham, embodying its recommendations. The minority member of the commission who objected to the reading test, William S. Bennet of New York City later became one of the most active workers against the bill.

The Dillingham bill (S. 3175) codified the existing law and introduced several new features. It authorized the secretary of commerce and labor to detail matrons, surgeons, and inspectors to travel in the steerage, in order to observe the passengers and to report violations of the laws as to accommodations. It also attempted to prevent undesirable persons from entering the country as deserting seamen and stowaways. It further consolidated the Chinese exclusion service with the general immigration service, although the two branches of the service had been in close relations for several years. The illiteracy test was not in the bill as originally reported to the Senate, but it was added by a vote of 57 to 8. The bill as amended passed the Senate April 19, by a vote of 57 to 2. Meanwhile Mr. Burnett, chairman of the House Committee on Immigration, had introduced and reported a bill (H. R. 22527) containing only the illiteracy test. In December, 1912, the House bill was substituted for the Senate bill by a vote of 202 to 62 and was passed by a vote of 178 to 52. The bill was then sent to conference, reported back, and passed in the House, January, 1913,

by a vote of 149 to 70. Unluckily, in conference the Senate conferees had added a provision recommended by the commission and by the commissioner general, requiring aliens coming from countries like Italy, which issue police certificates of character, to produce such certificates. This provision aroused intense opposition among the Jews, who urged that Russia might adopt such a system and refuse certificates to Hebrews. The bill was, therefore, sent back to conference, this clause was taken out, and the second conference report was passed by the House, January 25, by a vote of 166 to 71. Unfortunately, again, in the second conference, an error crept into the bill in regard to exempting from the headtax aliens who had declared their intention to become citizens. This necessitated a third conference. Its report passed both houses without a division. These votes have been given in detail to call attention to the strong feeling of both houses that something should be done at once.

President Taft adopted the unusual procedure of giving a hearing on the question of vetoing the bill, in addition to consulting with the conferees and with the commissioner at New York. At the hearing, both sides were largely represented. The chief opposition was centered on the reading test. It was represented to the President by the friends of the measure that bills embodying the illiteracy test had passed one house of Congress or the other seventeen times since 1894, usually by votes anywhere from two to one to ten to one; that President Cleveland, who vetoed such a bill in 1897, partly on account of provisions added to it likely to cause trouble with Canada, had later expressed much regret at his action; that the legislatures of twelve states, the boards of charity of forty large cities, over five thousand labor organizations, patriotic societies, farmers' unions, boards of trade, and the like had petitioned for the bill; and that a large number of students of immigration matters—statesmen, educators, and college presidents—approved it. A delegation representing influential medical societies argued for its medical provisions.

Nevertheless, on February 18, 1913, the President sent in a veto message of a few lines, referring to a letter of Secretary Nagel for his reasons. This letter was a recital of arguments which

had been threshed out time after time in the debates in Congress; it added absolutely nothing new. The Senate promptly passed the bill over the veto, on the same day, by a vote of 72 to 18. The bill came up in the House rather unexpectedly on the following day, and, some of its friends being absent, it failed of passage over the veto by a vote of 213 to 114. During this session of the 62d Congress the Department of Commerce and Labor was divided and the Immigration Bureau was put under the new Department of Labor.

In March, 1913, began the 63d Congress, with Woodrow Wilson as president; William B. Wilson of Pennsylvania as secretary of labor; and Daniel J. Keefe, continuing as commissioner general of immigration. Mr. Keefe shortly afterward resigned, and was succeeded by Andrew Camminetti of California, a former labor leader. Inasmuch as the first session of the present Congress was called together to consider tariff and currency only, the chance of anything more than a report of an immigration bill is very slight. Nevertheless, some dozen bills are now pending. Three of these (S. 2453, introduced by Mr. Smith; H. R. 6060, introduced by Mr. Burnett; and H.R. 2934, introduced by Mr. Gardner) are identical with the bill vetoed by President Taft. Another (S. 50, introduced by Mr. Overman) contains some improvements. Although the attitude of President Wilson is not known, there is a certain tactical advantage in Congress in pushing the exact measure that was vetoed, as it is so well known and understood. Mr. Dillingham has also introduced a bill (S. 2406) similar to the one vetoed except that it substitutes for the reading test a provision limiting the number of aliens of any nationality who may enter during any one year to 10 per cent of the number of such nationality who were in the United States at the preceding census. "Nationality" is to be determined by the country of birth; but colonies or dependencies are to be counted as separate countries. The commissioner general is to issue a statement of the permitted number from each country every month until 75 per cent of such number have arrived, and weekly thereafter. There are some objections to this plan, and it is doubtful whether it will be adopted. As it stands, it might not curtail immigration from southeastern Europe and Asia to

any considerable extent, and it is therefore inferior to the reading test as a means of restriction, unless the admissible percentage should be lowered.

Now let us look back a moment, and see what has happened since Congress refused to enact any important measure of restriction in 1907. During the five-year period 1908–12, the total of alien arrivals was 5,114,422. Of these, 4,292,985 were "immigrant aliens," that is, persons who stated their intention to remain permanently in the country; and of these immigrant aliens 2,584,410, or a little over 60 per cent, were of the Slavic and Iberic races from southern and eastern Europe. During the same period, the net addition to population, obtained by deducting the alien departures from the alien arrivals, was 2,485,277.[1] We see, therefore, that the total alien arrivals averaged during this period 1,022,880 per year, as compared with 766,615 for the period 1900–1905; 368,756 for the decade 1891–1900; and 524,661 for the decade 1881–90. Moreover, this largely increased immigration was poured into a country having less of the native of three or more generations than ever before. For the purpose of discussing questions of assimilation, it is unfortunate that the census goes no farther back than the parentage of persons in the country, and that both in the census and in popular articles children of immigrants born here are treated as natives. They are such, of course, politically; but history shows that at least several generations are required for any considerable adoption of native ideas and habits.

Our people have become so accustomed to seeing large figures in connection with immigration, that this great increase has attracted little general attention. The popular view is that the

[1] Professor Fairchild, in his *Immigration*, points out that this method of getting the net addition to population is not strictly accurate, as it leaves out of account certain elements among the "non-immigrant" and "non-emigrant" aliens. But when it is remembered that the distinction between immigrant and non-immigrant, emigrant and non-emigrant aliens, turns entirely on the statement of the alien as to his intention at the time the question is asked, it is obvious that such figures have only a general value. The distinction was introduced by the Immigration Bureau, beginning with 1905. In one sense, it gives a truer picture of the immigration movement; but, in comparing totals over a period of years or decades, it must be remembered that before 1905 the figures mean all alien arrivals, and beginning with that date immigrant aliens only.

assimilation of a large immigration of kindred races in the last century guarantees a similar assimilation of a much larger immigration of very different races in this century. In recent years, however, two classes of persons have become more interested in immigration problems. One class is the state officials, who are obliged to deal with alien dependents and delinquents, found in the seaboard Atlantic states. The reason for this interest appears in the report of the commissioner general for 1908, which showed the following:

ALIENS IN PENAL, INSANE, AND CHARITABLE INSTITUTIONS

	1904	1908
Criminals	9,825	15,323
Insane	19,764	25,606
Paupers	15,396	19,572
Total	44,985	60,501

It will be seen that in four years the total of alien dependents and delinquents increased 33 per cent; and the criminals over 50 per cent. The prisoners guilty of serious crimes showed a marked increase, thus disposing of the common allegation that any increase in crime among recent immigrants represents ignorant violation of municipal ordinances. The total alien inmates were 12 per cent of all the inmates in such institutions, and were furnished by an alien population constituting but 1.3 per cent of the general population. Of the 44,985 inmates in 1904, 26,890, or more than one-half, were in the four states of Massachusetts, New York, Pennsylvania, and Illinois. The expense to the states was and is enormous. The average life of an insane patient is twelve years. On this basis, it is estimated that the foreign-born insane alone now in institutions will have cost the state of New York $25,000,000, and Massachusetts $5,000,000 at their death. In 1905, there were in the state of New York 49,166 foreign-born paupers, costing $1,510,506 per year; and in 1912, there were over 8,000 alien insane. Mr. Goodwin Brown, special counsel to the State Commission on Lunacy in New York, estimated in February, 1912, that the total cost to the state of foreign dependents and delinquents during their lives

was over $50,000,000. The annual expenditure for insane (native and foreign) alone is from one-fifth to one-third of the total revenue of the state of New York; and the foreign-born furnish 48 per cent of the inmates, although being only 30 per cent of the general population. The New York officials not only protested to Secretaries Nagel and Straus about the laxness of the inspection which let in so many defectives; but the state actually retained an expert to appear before committees of Congress and urge that more alienists be employed at Ellis Island, and that fewer difficulties be placed in the way of deportations. In addition to the very definite requirements of the government in the way of identification before granting deportation, there was also the refusal of some of the steamship lines to receive insane persons for deportation. Their surgeons who were unable to detect insanity before the voyage hither, were found very keen to observe it even in convalescent cases from the New York hospitals. At the present time a *modus vivendi* has been reached with the steamships, under which many cases are returned.

There is constant pressure on the part of interested persons to make the inspection more lax. Political appeals are made to congressmen by friends of the aliens, and the Bureau is dependent upon Congress for its appropriation. The societies of the various races at the different ports are largely occupied in helping their compatriots; and one method is in trying to have their friends admitted. The Jewish Immigrant Aid Society in New York, for example, makes a practice of appealing every excluded Jewish case. Few know of the large measure of public-spirited and self-sacrificing work done by the immigration inspectors, and fewer take the trouble to praise. On the other hand, there is constant attack and abuse for them. From time to time these attacks are made both in Congress and in the newspapers, alleging unspeakable brutality. These vituperations are not always confined to the foreign-language newspapers, some of which have a direct interest in the matter through steamship advertising and ticket-selling. In 1911, for example, the *New York Journal* made a furious attack on Commissioner Williams, alleging all sorts of cruelty and misfeasance. Congressman, afterward Governor, Sulzer of New York introduced

a resolution for an investigation of Ellis Island. At the hearings before the Committee on Rules of the House, the charges were proved to be utterly unfounded, and no attempt was made to sustain some of them. Commissioner Williams was completely exonerated, and the committee refused to report the resolution. Every little while, even now, some sensational story, usually either a fiction or an entire distortion of the facts, appears in some paper, apparently with the object of discrediting the law and the officials, and arousing sentimental sympathy for immigrants. It is very seldom that any article appears praising conscientious officers, or rejoicing that the public is being protected from disease and financial burden. This state of things inevitably suggests that at least a part of the press is more or less muzzled through steamship advertising.

This matter is mentioned here for two reasons. In the first place, it partly explains the apathy of the public by the fact that the latter has no personal knowledge and hears only one side. In the next place, it shows that even with the most willing officials we must have more law than we expect to get enforced. It is no reflection on the officials that this is so; it is inherent in the general situation. Pressure may be exerted upon subordinates either from the outside or from higher up. One of the chief grounds for exclusion is "liability to become a public charge." Suppose there is an exclusion by a board of special inquiry in a case near the border line between admission and exclusion, and the case is appealed to a secretary of labor who believes in a very liberal interpretation of the law, or perhaps does not personally approve of the law at all, and who reverses the decision in question. If that happens in a number of instances, the result is that it comes to be understood in the service that such cases are not to be excluded. It is already known that officials frequently overruled are not likely to be favored for promotion. The consequence is that the border line is moved a step farther toward free immigration; perhaps two steps, so as to be on the safe side; and hundreds of cases are admitted. This very situation has occurred more than once. The motives of the higher officials may be what you will; the result is the same.

For this and other reasons, it is important that any additions to

the law should not be elastic, or of a kind to give discretion to officials either high or low. The excluded classes should be defined as definitely as possible, for the sake of the aliens themselves, that they may know whether they are admissible before they start on their long journey; and also in justice to the steamship companies, although the latter have various methods of insuring themselves in doubtful cases. Now this definiteness is one of the strongest arguments for the reading test; and indeed the test has had for twenty years a more hearty and unanimous support than any other proposition. Commissioner General Keefe strongly favored it in the draft of his 1912 report; but the indorsement was cut out by the order of Secretary Nagel, who soon after wrote the Taft veto. This test would in the opinion of many experts exclude a larger proportion of those who later become criminals, insane, feeble-minded, and paupers than any direct legislation against those classes. In 1904, the test would have excluded 18 per cent of the foreign-born insane, and 30 per cent of the foreign-born paupers. In the same year 42 per cent of the alien murderers, and 57 per cent of aliens attempting to murder, were of the relatively illiterate races. Of course, any rule of exclusion will work apparent hardship in some cases; but a definite rule will in the long run cause less than an elastic one. It is time we heard the last of the argument that educated criminals are among the most dangerous, and hence that the illiteracy test is valueless. It is as if one objected to a cure for tuberculosis because it did not cure cancer. In addition to excluding a considerable proportion of the actual defectives and delinquents, it would exclude a larger proportion of those not classifiable as such but who are mentally, morally, and physically inferior; and it would cut down the total numbers, possibly by 20 to 25 per cent, and this the Immigration Commission said in its report is imperative.

No doubt an adequate mental, moral, and physical standard would be the ideal thing. With a largely increased corps of alienist inspectors, and with the detention of many cases for a long period of observation, the mental side might conceivably be taken care of. But the steamship companies would not hold themselves responsible for the expense of such detention, and why should we

pay for it? The moral condition of an alien cannot be detected by inspection; and, as above stated, there is strenuous objection to our obtaining such information as is available abroad. The physical standard is at first sight more promising. But the provision adding to the excluded classes in the acts of 1907 those certified as being mentally and physically defective has not proved of much value. It was intended by those who drafted it to be a medical test; but it was speedily decided that the surgeon's certificate was only one piece of evidence for the board of special inquiry, bearing on the question of the ability of the alien to earn his living—which reduced it to an economic test. Indeed, it is impossible to tell from the statistics what the effect of this clause is; for the certified alien might be reported as excluded on account of the certificate, or merely as being one likely to become a public charge. Suffice it to say that at the port of Boston, in November, 1911, out of 290 certified for major as distinguished from trivial defects, all but three were landed! There are practical difficulties which make a physical test almost impossible to apply. Suppose a man has lost three fingers. It affects his ability to earn his living seriously in some trades, perhaps a little in many occupations; and yet he might be able to do some things. Shall he be excluded or admitted? And what is to be done about first- and second-cabin passengers, who have to be inspected like the rest? If we say that a cripple with independent means may come in, the physical test is again reduced to an economic test. A bill now pending in the Senate proposes that persons coming in to perform manual labor shall measure up to the recruiting standard for the United States navy; but such a proposal has little chance of adoption.

The result is that the object aimed at must be accomplished by other methods—by a reading test, or by an increase of the headtax sufficient to equalize the steerage rate as between the United States and other countries; perhaps, also, by admitting everyone on probation, and deporting anyone who within five years or some other time falls into the excluded classes, from causes arising either prior to or subsequent to landing. Only, as stated above, it is much easier to shut a man out in the first place than to deport him afterward.

The class of persons, other than the state officials, who are becoming interested in immigration matters, consists of the medical men and the medical societies. These come into direct contact with the evil results of the immigration of persons of poor racial stock. The studies made under the auspices of the Eugenics Record Office show how much damage bad racial strains can do. As one result of this interest, the American Breeders' Association in 1912 formed an immigration committee of its eugenics section. If the public could only be made to realize how much more stringent the regulations are concerning the immigration of animals and plants than in regard to human beings, its sense of humor could be relied upon to back up more adequate laws as to immigrants. As things stand today, we are behind even Canada, Australia, and several other countries in the care and attention we pay to immigration.

It is not without significance that, of the six leading books on general immigration published during the period we have been considering, all but one are strongly in favor of further restriction. In view of the earnest recommendations of the Immigration Commission, after four years of study costing a million dollars, is it not about time to stop investigating and arguing, and to pass a law which will accomplish some real restriction along selective lines? Let us at least exclude those who are below the average of both our country and their own.

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